### LEBOEUF, LAMB, GREENE & MACRAE

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

260 FRANKLIN STREET

BOSTON, MA 02110-3173

(617) 748-6800

FACSIMILE (617) 439-0341

June 3, 2003

WRITER'S DIRECT DIAL (617) 748-6843

LONDON A LONDON-BASED MULTINATIONAL PARTNERSHIP)

> PARIS BRUSSELS

JOHANNESBURG

(PTY) LTD

MOSCOW

RIYADH (AFFILIATED OFFICE)

TASHKENT

BISHKEK

ALMATY

BEIJING

BY HAND

NEWYORK

ALBANY

BOSTON

DENVER

**HARRISBURG** 

**JACKSONVILLE** 

LOSANGELES

PITTSBURGH

SALT LAKE CITY

SANFRANCISCO

HARTFORD

HOUSTON

NEWARK

WASHINGTON, DC

Ms. Mary L. Cottrell, Secretary Massachusetts Department of Telecommunications and Energy One South Station Boston, MA 02110

Re: D.T.E. 03-47, Fitchburg Gas and Electric Light Co.;

Petition to Intervene

Dear Ms. Cottrell:

Enclosed for filing is an original and eight (8) copies of Fitchburg Gas and Electric Light Company's ("FG&E") Petition to Intervene in this proceeding. Commonwealth Electric Company, Cambridge Electric Light Company and Boston Edison Company, d/b/a NSTAR Electric, and NSTAR Gas Company have assented to FG&E's participation as a limited intervenor.

Please add the following to the service list in this proceeding:

Karen Asbury Rebecca L. Fowler, Esquire

Until Service Corp. LeBoeuf, Lamb, Greene & MacRae, L.L.P.

6 Liberty Lane West 260 Franklin Street, 23rd Floor

Hampton, NH 03842 Boston, MA 02110 (603) 773-6441 (Phone) (617) 748-6840 (Phone)

(603) 773-6641 (Fax) (617) 897-9060 (Fax) Ms. Mary L. Cottrell, Secretary June 3, 2003 Page 2

Thank you for your attention to this matter.

Sincerely,

Plot J. Muller Scott J. Mueller

### Enclosures

cc: D.T.E. 03-47 - Service List

K. Asbury, Unitil M. Collin, Unitil

BS 89056

# COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

	)	
COMMONWEALTH ELECTRIC COMPANY	)	
CAMBRIDGE ELECTRIC LIGHT COMPANY	)	D.T.E. 03-47
BOSTON EDISON COMPANY	)	
NSTAR GAS COMPANY	)	
	)	

## FITCHBURG GAS AND ELECTRIC LIGHT COMPANY'S PETITION TO INTERVENE

Pursuant to 220 C.M.R. 1.03(1)(a), Fitchburg Gas and Electric Light Company ("FG&E") requests that the Department of Telecommunications and Energy ("Department") grant it leave to intervene as a limited participant in the above-captioned docket.

As grounds therefore, FG&E states:

- 1. FG&E is a gas company and a distribution company within the meaning of G.L. c. 164, as amended, subject to the Department's regulatory jurisdiction. FG&E serves gas and electric customers in North Central Massachusetts. FG&E is the only combined gas and electric distribution company in the Commonwealth.
- 2. On April 16, 2003, Commonwealth Electric Company, Cambridge Electric Light Company and Boston Edison Company, d/b/a NSTAR Electric, and NSTAR Gas Company filed with the Department a petition seeking approval of tariffs, M.D.T.E. Nos. 406, 309, 209, and 109 respectively, providing for a reconciliation adjustment mechanism to allow recovery for costs associated with pension benefits and post-retirement benefits other than pensions ("the Petition"). The Companies estimate the costs to require the additional revenue collection of at least \$40 million, and state that the tariffs give effect to the Department's accounting ruling in D.T.E. 02-

78. The Department suspended the tariffs until August 1, 2003. On May 15, 2003, the

Department issued a Notice of Public Hearing in this proceeding.

3. In December 2002, in D.T.E. 02-83, the Department approved an accounting

order regarding the treatment of FG&E's liabilities and assets associated with its pension plans,

addressing issues similar to those raised by NSTAR in D.T.E. 02-78. Because the Department

will be addressing many of the same issues in this proceeding, and establishing precedent or

policies on these matters, FG&E has a substantial and specific interest which may be affected.

4. The Department's Rules permit the grant of limited participation to any person

with a substantial and specific interest. 220 C.M.R. 1.03(1)(e). Furthermore, no other party can

adequately represent FG&E's interest in this case.

WHEREFORE, Fitchburg Gas and Electric Light Company respectfully requests that the

Department of Telecommunications and Energy grant it the right to intervene as a limited

participant in D.T.E. 03-47, and grant such other relief as it may deem just and reasonable.

Respectfully submitted,

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY

By its attorneys,

Scott J. Mueller

Rebecca L. Fowler

LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.

260 Franklin Street

Boston, MA 02110

Phone: (617) 439-9500

Fax: (617) 439-0341

smueller@llgm.com

rlfowler@llgm.com

DATED: June 3, 2003

### **CERTIFICATION OF SERVICE**

I certify that I have served a copy of Fitchburg Gas and Electric Company's Petition to Intervene in D.T.E. 03-47 on each of the individuals on the service list on file with the Secretary of the Department of Telecommunications and Energy.

Dated at Boston, Massachusetts, this 3rd day of June 2003.

Rebecca L. Fowler